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8 *Representing the United States of America*

9  
10 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

11 **United States of America,**  
12  
Plaintiff,  
13  
v.  
14 **Valerian Chiochiu, et al.,**  
15  
Defendants.

Case No. 2:17-cr-306-JCM-PAL-12

**Government's Unopposed  
Motion to Vacate and Reset  
Pretrial Violation Hearing  
(First Request)**

18 The United States of America, by and through DAVID L. JAFFE, Chief, Or-  
19 ganized Crime and Gang Section, United States Department of Justice, and CHAD  
20 W. MCHENRY, Trial Attorney, respectfully requests that this Court vacate the pre-  
21 trial violation initial appearance hearing that is currently scheduled for Wednesday,  
22 January 23, 2019 at 2:30 p.m., and reset it to a date and time convenient for this

1 Court, but no sooner than the week of March 11, 2019.

2 In support of its motion, the Government proffers as follows:

3 1. On January 14, 2019, this Court issued a minute order setting an initial  
4 appearance concerning an alleged pretrial release violation by the Defendant for  
5 Wednesday, January 23, 2019, at 2:30 p.m. ECF No. 463.

6 2. The trial date for the defendants currently before the Court in the  
7 above-captioned matter is governed by a Complex Case Schedule. ECF Nos. 364,  
8 405. Trial in this matter is currently set for Monday, October 7, 2019, and the time  
9 prior to that date has been previously excluded by the Court. *Id.*

10 3. The alleged violation relates to a search warrant conducted and exe-  
11 cuted by the Government in or about October of 2018. Pursuant to that warrant,  
12 federal agents from Homeland Security Investigations (“HSI”) conducted a search of  
13 the Defendant’s residence, located in the Central District of California.

14 4. Due to the ongoing lapse in appropriations, the Government has thus  
15 far been unsuccessful in arranging the travel and other logistics for one of the Cali-  
16 fornia HSI agents to attend the hearing as currently scheduled.

17 5. Moreover, as all three assigned Government counsel are based primar-  
18 ily in Washington, D.C., and have conflicting obligations, attending the hearing as  
19 scheduled would be difficult, although if necessary it will be accomplished.

20 6. Counsel for the Government have been in contact with defense counsel  
21 to discuss the conflict and potential alternate scheduling for the hearing. The parties  
22 are in agreement regarding the need for a continuance, and jointly request that this

1 hearing be vacated and reset no earlier than the week of March 11, 2019.

2 7. This is the first request for a continuance of this hearing date.

3  
4 **DATED** this 21st day of January, 2019.

5 Respectfully submitted,

6 DAVID L. JAFFE  
7 Chief, Organized Crime and Gang Section  
8 United States Department of Justice

9 / s / *Chad McHenry*

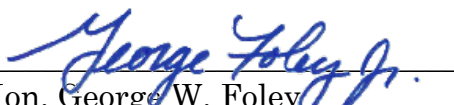
10 CHAD W. MCHENRY  
11 Trial Attorney

12 **ORDER**

13 Having considered the Government's proffer, and good cause appearing:

14 IT IS HEREBY ORDERED that the hearing for the Defendant's initial ap-  
15 pearance on an alleged pretrial violation, currently scheduled for Wednesday, Janu-  
16 ary 23, 2019, at 2:30 p.m., is VACATED. See ECF No. 463.

17 IT IS FURTHER ORDERED that the initial appearance hearing be reset to  
18 March 20, 2019 at \_\_\_\_ 2:30 p. \_\_.m. in Courtroom 3C.

19  
20   
21 Hon. George W. Foley  
22 United States Magistrate Judge  
District of Nevada  
Dated: 1/22/2019